

UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF MICHIGAN  
NORTHERN DIVISION

MICHAEL A. LEWIS

*Petitioner,*

v.

Case No. 2:04-cv-146  
HON. R. ALLAN EDGAR

JERI-ANN SHERRY

*Respondent.*

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**MEMORANDUM AND ORDER**

Petitioner Michael A. Lewis (“Lewis”) has filed a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254. The petition was referred to Magistrate Judge Timothy P. Greeley for a report and recommendation under 28 U.S.C. § 636(b)(1)(B) and W.D. Mich. L Civ R 72.1(d). On June 15, 2006, the Magistrate Judge submitted his report and recommendation that the habeas petition be denied and dismissed with prejudice. [Doc. No. 25]. Lewis has not timely filed any objections to the report and recommendation.

After reviewing the record, the Court **ACCEPTS** and **ADOPTS** the report and recommendation pursuant to 28 U.S.C. § 636(b)(1), Fed. R. Civ. P. 72(b), and W.D. Mich. LCivR 72.3(b). The habeas petition shall be **DENIED** and **DISMISSED WITH PREJUDICE**. A separate Judgment will enter.

Any appeal by Lewis from this decision would be frivolous. Lewis has not made a substantial showing of a denial of a constitutional right. For the reasons expressed by the Magistrate Judge in the report and recommendation, a certificate of appealability is **DENIED** to Lewis under 28 U.S.C. § 2253(c).

SO ORDERED

ENTER this the 25th day of July, 2006.

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/s/ R. Allan Edgar  
R. ALLAN EDGAR  
UNITED STATES DISTRICT JUDGE